

1914

c 167 Architects Act

Ontario

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8. MISCELLANEOUS.

CHAPTER 167.

An Act respecting the Profession of Architects.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Architects' Act*. Short title.
1 Geo. V. c. 43, s. 1.

2. The Ontario Association of Architects, hereinafter called the Association, is hereby continued. Association continued.
1 Geo. V. c. 43, s. 2.

3. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. Powers as to real estate.
1 Geo. V. c. 43, s. 3.

4. The persons who are now members of the Association and all persons who shall be hereafter registered as architects under this Act shall be members thereof, subject to the by-laws of the Association and to the provisions of this Act. Membership.
1 Geo. V. c. 43, s. 4.

5. There shall be a Council of Management of the Association, hereinafter called the Council, to be appointed in the manner provided by this Act. Council of Management.
1 Geo. V. c. 43, s. 5.

6.—(1) The Council shall be composed of nine persons, who shall be British subjects, and have resided and practised the profession of architecture within Ontario for at least ten years. Council, how composed.

(2) Any five members of the Council shall form a quorum. Quorum.
1 Geo. V. c. 43, s. 6.

7. The members of the Council shall be elected by ballot, in such manner as may be provided by the by-laws of the Association, at its annual meeting, or at a special meeting called for that purpose, and the members of the Association obtaining the greatest number of votes shall be declared elected. Election.
1 Geo. V. c. 43, s. 7.

Qualification.

8. No person shall be eligible for election to the Council, or qualified to fill any vacancy therein, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the Association. 1 Geo. V. c. 43, s. 8.

Term of office.

9. Except in the case of an election or an appointment to fill a vacancy caused by death or resignation the members of the Council shall hold office for the term of three years, three retiring each year. 1 Geo. V. c. 43, s. 9.

Vacancies, how filled.

10.—(1) In case of the resignation or death of any member or members of the Council, not exceeding four, the other members may fill the vacancies, to hold office until the time of the holding of the next annual meeting, provided that such meeting is not to be held within three months of the occurring of such vacancies.

Special meeting.

(2) In case of the resignation or death of five or more members of the Council, the President or the Vice-President of the Association or, in case of their default for a period of ten days, any five members in good standing may call a special meeting of the Association, upon a notice of not less than ten days, for the purpose of filling the vacancies.

Election, how determined.

(3) In case of an election to fill the vacancies referred to in subsections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled. 1 Geo. V. c. 43, s. 10.

Proceedings where election disputed.

11. In case of any doubt or dispute as to who has been elected a member of the Council, or as to the legality of the election of any member, the other duly elected members shall be a committee to hold an enquiry and decide who is the legally elected member, and the person whom they decide to have been elected shall be deemed to be legally elected, and if the election is found to have been illegal, the committee shall order a new election. 1 Geo. V. c. 43, s. 11.

President and officers.

12. The Council shall annually elect from amongst its members a President and two Vice-Presidents, and shall appoint a Registrar, a Treasurer, a Solicitor, an Auditor and such other officers as may be deemed necessary for carrying out the objects of this Act, who shall hold office during the pleasure of the Council, and who shall, as well as being officers of the Council, hold the like positions as officers of the Association. 1 Geo. V. c. 43, s. 12.

Power to regulate meetings of Council and Association.

13. Meetings of the Association and of the Council shall be held at such times and places as may be fixed by the by-laws of the Association or Council respectively; and in the absence of any rule or regulation as to the summoning of meetings of the Association, or of the Council, the President,

or, in the event of his absence or death, the Registrar may summon the same for such time and place as he may think fit, by notice to be mailed to each member. 1 Geo. V., c. 43, s. 13.

14. In the event of the absence of the President from any meeting, either of the Vice-Presidents, or, in their absence, some other member to be chosen from among the members present shall act as President. 1 Geo. V. c. 43, s. 14. Who to preside at meetings.

15. All questions submitted to the Association or to the Council shall be decided by a majority of the members present, not being less than five in number in the case of the Council, and twenty in the case of the Association. 1 Geo. V. c. 43, s. 15. Quorum and majority.

16. At all meetings the President for the time being shall have only a casting vote, and in the case of a tie at an election he shall have a casting vote in addition to his vote as a member of the Association. 1 Geo. V. c. 43, s. 16. Casting vote.

17. There shall be paid to the members of the Council such fees for attendance, and such reasonable travelling expenses, as may be fixed by by-law of the Association passed at an annual meeting. 1 Geo. V. c. 43, s. 17. Payment of expenses of members of Council.

18. The Council may by by-law fix the salaries or fees to be paid to the officers of the Association and to the Board of Examiners hereinafter provided for. 1 Geo. V. c. 43, s. 18. Salaries.

19. The Council may:—

(a) appoint an examiner, or examiners, for the purpose of ascertaining and reporting upon the qualification of all persons who apply for admission and registration as students at any matriculation, preliminary, intermediate or final examination; Powers of Council. Examiners.

(b) make all necessary rules, regulations and by-laws respecting the admission and registration of students, the periods and conditions of study, and the registration of architects as members of the Association and all matters relating to the discipline and honour of the profession; Admission of students, etc.

(c) regulate and fix the admission and annual fees payable by students and architects, and make all rules, regulations and by-laws necessary for the proper carrying out of the provisions of this Act; Fees. By-laws.

(d) enact by-laws as to the terms upon which it will accept the matriculation or other certificates of colleges and other institutions not in Ontario. Diplomas of foreign institutions.
1 Geo. V. c. 43, s. 19.

Matriculants
in arts not
required to
pass pre-
liminary
examination.

20. Any student who has matriculated in Arts in any University in His Majesty's Dominions, or in the Faculty of Applied Science and Engineering of the University of Toronto shall not be required to pass the preliminary examination. 1 Geo. V. c. 43, s. 20.

Admission
to practise.

21. Any person who applies for registration as an architect shall not be less than twenty-one years of age, and shall have served as a student not less than five years with a principal entitled to register under this Act, or with any other principal approved by the Council, and shall have passed the prescribed qualifying examinations. 1 Geo. V. c. 43, s. 21.

Admission
of students.

22.—(1) All students desirous of entering the profession of architecture shall be presented by a member of the Council, and shall cause their full names to be entered with the Registrar, and shall pay such fees and submit to such examinations as shall be prescribed.

Graduates
of Faculty
of Applied
Science and
Engineering.

(2) A graduate of the Faculty of Applied Science and Engineering of the University of Toronto shall be required to serve only three years as a student, one of which three years may be served during the vacations of such Faculty.

Term of
service as
students.

(3) Students shall hereafter serve such term as is required to be served by the provisions of this Act, under indenture, to a registered architect, which indenture and any assignment thereof, with affidavit of execution thereto attached, shall be filed with the Registrar upon payment of such fee as the Council may by regulation direct. 1 Geo. V. c. 43, s. 22.

General
Register.

23. The Registrar shall keep a register to be called "The General Register," Form 1, of all persons entitled to be registered under this Act, and shall enter opposite the names of all registered persons who have died a statement of that fact, and shall make all necessary alterations in the addresses of persons registered and, subject to the provisions of this Act, shall keep the register in accordance with the by-laws and regulations of the Council. 1 Geo. V. c. 43, s. 23.

Restriction
of right
to use title.

24.—(1) No person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title or description, implying that he is registered under this Act, unless he is so registered.

Penalty.

(2) Any person who, not being registered under this Act, takes or uses any such name, title or description shall incur a penalty not exceeding \$25 for the first offence and not exceeding \$100 for each subsequent offence. 1 Geo. V. c. 43, s. 24.

25. If the Registrar wilfully makes or causes to be made any falsification in any matter relating to the register he shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. 1 Geo. V. c. 43, s. 25. Penalty for registrar falsifying register.

26. Any person who wilfully procures, or attempts to procure, registration under this Act by making or producing, or causing to be produced or made, any false or fraudulent representation or declaration, either verbally or in writing, that he is entitled to such registration shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. 1 Geo. V. c. 43, s. 26. Penalty for procuring false registration.

27.—(1) The Registrar shall, in every year, under the direction of the Council, cause to be printed, published and kept for inspection at his office, free of charge, a register, Form 2, to be called "The Architects' Register," of the names, in alphabetical order according to the surnames, with the respective residences of all persons appearing on the general register on the next preceding first day of January. Register of practitioners.

(2) A copy of such register, purporting to be so printed and published, shall be evidence in all courts and before all justices of the peace and others that the persons therein mentioned are registered according to the provisions of this Act. Evidence of registration.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the Registrar of the entry of the name of such person in the general register shall be evidence that such person is registered under the provisions of this Act. 1 Geo. V. c. 43, s. 27. Certified copy of entry.

28. Every architect summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity, for each day he so attends shall be entitled to \$5, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. 1 Geo. V. c. 43, s. 28. Witness fees of architects.

29. Every architect who wilfully makes any false certificate in respect of any work done, or the value or condition of any work or building, besides being liable in damages for any injury thereby suffered, shall incur a penalty not exceeding \$100. 1 Geo. V. c. 43, s. 29. Penalty in case architect makes a false certificate.

30.—(1) All fees payable under this Act may be recovered as ordinary debts due to the Association; and all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. Recovery of fees and penalties. Rev. Stat. c. 90.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid by the convicting magistrate to the Registrar. Application of penalties.

Who may be complainant.

(3) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties as it deems expedient to the prosecutor. 1 Geo. V. c. 43, s. 30.

Service of notices.

31.—(1) Except as herein otherwise provided, all notices and documents required by or for the purposes of this Act to be sent may be sent by registered post, and shall be deemed to have been received at the time when the same would be delivered in the ordinary course of the mail.

What to be deemed proper address.

(2) Such notices and documents when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the general register. 1 Geo. V. c. 43, s. 31.

Application of funds.

32.—(1) All money arising from fees payable on registration of the annual renewal fees or from the sale of copies of the register, or otherwise, shall be paid to the Registrar and shall be applied in accordance with such regulations as may be made by the Council for defraying the expenses of the Association.

Investments.

(2) The Council may invest in the name of the Association any money not so expended in such securities as trustees may properly invest in, and any income derived from such invested sums shall form part of the ordinary income of the Association. 1 Geo. V. c. 43, s. 32.

Accounts of Association.

33. The Registrar and Treasurer shall enter in books to be kept for that purpose a true account of all sums of money by them respectively received and paid under this Act, and such account shall be audited by the auditor and submitted to the Council and to the Association when and so often as they may require. 1 Geo. V. c. 43, s. 33.

FORM 1.

(Section 23.)

THE GENERAL REGISTER.

Name.	Date of Regis- tration.	Address.	Remarks.

1 Geo. V. c. 43, Form 1.

FORM 2

(Section 27.)

THE ARCHITECTS' REGISTER.

1st January, 19 .

Name.	Date of Regis- tration.	Title or Distinction (if any).	Residence.

1 Geo. V. c. 43, Form 2.